

REMARKS

Claims 1-7 and 9 are pending in this application; claims 7 and 9 being independent. Claims 5 and 6 have been withdrawn from consideration. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

The Official Action

In the outstanding Official Action, the Examiner rejected claims 1, 2, and 7 under 35 U.S.C. § 102(e) as being clearly anticipated by *Eda et al.* (USP 6,044,723); and rejected claims 1-4 and 7 under 35 U.S.C. § 103(a) as being unpatentable over *Bisiach* (USP 4,827,790) in view of *Eda et al.* Applicants respectfully traverse these rejections.

By this Amendment, Applicants have amended claim 7 to more appropriately recite the present invention. It is respectfully submitted that this amendment is made without conceding the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the present invention.

Claim Rejections - 35 U.S.C. § 102

With regard to the Examiner's rejection of claims 1, 2, and 7 under 35 U.S.C. § 102(e) as being clearly anticipated by *Eda et al.*, by this Amendment, Applicants have amended claim 7 to recite,

inter alia, an electronic power steering apparatus comprising a housing for housing the bearing and the concave member.

It is respectfully submitted that *Eda et al.* discloses an electric power assisting steering apparatus. The apparatus includes an elastic body that is provided between at least one of the rotating shaft and the housing and the bearing so that when a tooth surface of the worm and that of the worm wheel are brought into contact with each other, the rotating shaft is moved in at least one of the axial direction and the radial direction relative to the housing by deforming the elastic body. It is respectfully submitted that *Eda et al.* fails to teach or suggest an electric power steering apparatus comprising a housing for housing the bearing and the concave member as recited in claim 7. As such, it is respectfully submitted that claim 7, as amended, is not anticipated by *Eda et al.*

It is further respectfully submitted that claims 1-4 are allowable for the reasons set forth above with regard to claim 7 at least based upon their dependency on claim 7.

By this Amendment, Applicants have added new independent claim 9. New independent claim 9 recites, *inter alia*, an electric power steering apparatus comprising a biasing member biasing, via a bearing, the worm shaft toward the worm wheel, wherein a housing that directly holds the bearing is the same housing that holds the

biasing member. It is respectfully submitted that *Eda et al.* fails to teach the housing as recited in claim 9. As such, it is respectfully submitted that claim 9 is allowable over *Eda et al.*

Claim Rejections - 35 U.S.C. § 103

With regard to the Examiner's rejection of claims 1-4 and 7 under 35 U.S.C. § 103(a) as being unpatentable over *Bisiach* in view of *Eda et al.*, as noted above, Applicants have amended claim 7 to more appropriately recite the present invention.

It is respectfully submitted that the invention set forth in *Bisiach* is directed to a system for the automatic recovery of play between a worm and a worm gear. The system includes a movable coupling assembly 28 that includes a pair of bearings 31 and 32. It is respectfully submitted that *Bisiach* fails to teach or suggest a housing for housing the bearing and the concave member as recited in amended claim 7.

Additionally, it is respectfully submitted that *Bisiach* fails to teach or suggest a biasing member biasing, via a bearing, the worm shaft toward the worm wheel. The Examiner refers to bearing 31 in *Bisiach*. However, it is respectfully submitted that *Bisiach* teaches pushing device 55 acting on a movable assembly 28 which ultimately provides for automatic recovery of play between a worm and a worm gear. The resilient member of the cup spring type or the like acts perpendicularly to the axis of rotation of the worm. It

is respectfully submitted that *Bisiach* fails to teach or suggest a biasing member biasing, via a bearing, the worm shaft toward the worm wheel. It is respectfully submitted that *Eda et al.* fails to cure the deficiencies of the teachings of *Bisiach* as *Eda et al.* fails to teach or suggest the biasing member and the housing of the present invention. As such, it is respectfully submitted that, as *Eda et al.* fails to cure the deficiencies of the teachings of *Bisiach*, assuming these references are combinable, which Applicants do not admit, claim 7 is not obvious over *Bisiach* in view of *Eda et al.*

It is respectfully submitted that claims 1-4 are allowable for the reasons set forth above with regard to claim 7 at least based upon their dependency on claim 7.

By this Amendment, Applicants have added new independent claim 9. Independent claim 9 recites, *inter alia*, an electric power steering apparatus comprising a biasing member wherein a housing that directly holds the bearings is the same housing that holds the biasing member. It is respectfully submitted that *Bisiach* fails to teach a housing that directly holds the bearing is the same housing that holds the biasing member. As noted above, *Eda et al.* additionally fails to teach this claimed element. As such, the combination of *Bisiach* and *Eda et al.* fails to render new independent claim 9 obvious.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

Michael K. Mutter, #29,680

CMV
MKM/CMV/jdm
1560-0348P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000